

REMARKS

The claim objections to claims 5, 12, 15 and 17 in paragraph 2 of the Office Action have been addressed exactly as requested by the Examiner. The wording of claim 15 is altered for greater clarity without any change in the scope of that claim.

Claims 1 and 15 are rejected as obvious over a combination of Cernocky USP 6,070,663 combined with Wilson USP 5,228,518 and further in view of Prenner USP 3,924,677.

The Examiner uses Cernocky to illustrate an injection well service. He makes reference to FIG. 2c that illustrates three injection tubes 106 each surrounded by a casing 114 and having a surrounding packer 124 to isolate an insulating annulus 122. The tubes 106 end before the lower end of their respective casing so that steam can exit out the bottom or through side holes 120. Surrounding all that are two concentric strings 126 and 136 that have openings aligned with openings 120 on the sides of casings 114.

The Examiner admits that this is a steam injection well and that it clearly doesn't show or even suggest any benefit of having extendable assemblies that can be extended to the formation. Clearly the way Cernocky is built there is no way to put extending assemblies in the openings 120 of the three strings 114 and have them reach the formation.

Yet the Examiner reaches to Wilson for the extending members that go to the formation and provide a flow conduit through the openings in a tubular where the extendable members are mounted. The Examiner concludes that the Wilson extending members can be used in Cernocky "to achieve the predictable result of centralizing the casing with the borehole." They would do that but centralizing is not the point in claims 1 and 15. Effectively getting the injected material into the formation is the point. Cernocky ultimately dumps all his steam exiting openings 120 of the outermost casing 136 into a very long annulus in an open hole. He makes no effort to direct the steam flow right into the formation. He is happy to have an annularly shaped steam chest against the open hole 102 where a lot of the velocity and heat value of the injected steam is dissipated. This approach is diametrically opposed to directing the injection fluid flow into the formation in an injection well. Applicant doesn't dispute that extendable members are known or that injection wells are known. What is not known and not obvious is to use the beneficial

aspects of extendable members in a combination of an injection well and a production well. The citation of Cernocky and Wilson just proves the Applicant's point of unobviousness. Here Cernocky wastes his velocity energy and much of the heat value of the steam by filling a huge annular space with the injected steam. He does this despite these shortcomings and despite the existence of telescoping members that can provide direct paths to a formation.

Then the Examiner uses Prenner item 8b as a filter. While item 8b is misnamed as a filter in this reference, the reality is that it is a salt block encased in grease and it designed to dissolve after cementing is done to fully open passage 5, column 4 lines 7-23. There is no removable requirement for the filter in claims 1 and 15 and yet the Examiner's reliance on Prenner gets that result. The filter media in claims 1 and 15 are in place for injection. The purported combination with Prenner means there will be no filter media at the time of injection.

Regrettably, the *KSR* decision seems to have been seized upon by the PTO to reject combination claims simply because the elements are separately found in different references where there is no suggestion to make the combination and here where the base reference represents the time honored way of injection into an annular space and the claims are for a directed injection to the formation. The fact that the structures for direct injection existed is actually evidence of unobviousness because those skilled in the art for decades failed to realize the combination could be made to make injection more efficient until claims 1 and 15 came along in the present application. What better way to show unobviousness where skilled artisans in a field crowded with competitors on a worldwide basis continued for decades to inefficiently inject in one or more wells to produce more in one or more production wells.

As to claim 8, the arguments above are adopted as equally applicable to that claim.

Allowance of all the claims is requested.

Respectfully submitted,

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